

REMARKS/ARGUMENTS

In the Final Official Action, claims 26 and 29 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 25-29 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 25-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over HO et al. (U.S. Patent Application Publication No. 2003/0169769 A1) in view of YONGE, III et al. (U.S. Patent No. 6,522,650 B1).

Upon entry of the present amendment, claims 25-29 have been amended. Claims 1-24 were previously cancelled. Thus, claims 25-29 are currently pending for consideration by the Examiner.

Pursuant to M.P.E.P. §714.13, Applicants respectfully submit that entry of the present amendment is appropriate because the proposed amended claims avoids the rejections set forth in the Final Official Action, resulting in the application being placed in condition for allowance, or alternatively, the revised claims place the application in better condition for purposes of appeal to the Board of Patent Appeals and Interferences. Furthermore, the amendment does not present any additional claims. Accordingly, entry of the present amendment is respectfully requested.

The 35 U.S.C. § 112, First Paragraph, Rejection

In the Final Official Action, claims 26 and 29 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically with regard to independent apparatus claim 26, the Final Official Action asserts that Applicants' disclosure does not provide an adequate written description for two separate generators, i.e., "a first generator" and "a second generator". In the present amendment, claim 26 has been

amended to recite only a single processor. Accordingly, Applicants respectfully request that the rejection of claim 26 under 35 U.S.C. § 112, first paragraph, be withdrawn.

More specifically with regard to independent computer readable medium claim 29, the Final Official Action asserts that Applicants' disclosure does not provide an adequate written description for the expression "(a) computer readable medium". In the present amendment, the preamble of amended claim 29 has been amended to recite a *non-transitory computer readable medium encoded with a computer readable data compartment aggregation packet frame*.

As expressed in M.P.E.P § 2163 I, in order "to satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention" (emphasis added). Additionally, M.P.E.P. § 2163 I B states that "there is no *in haec verba* requirement", meaning that Applicants do not have to use the exact language in the claims that is used in the specification. Instead, this M.P.E.P. section states that "added claim limitations must be supported in the specification through express, implicit, or inherent disclosure." (emphasis added)

In analyzing Applicants' claim 29 preamble expressed above, Applicants' submit that Applicants explicitly discloses the *computer readable data compartment aggregation packet frame* at least in the section of the specification extending from page 6, line 26, to page 7, line 6. From this disclosure, Applicants submit that it naturally follows that for the *data compartment aggregation packet frame* to be *computer readable*, that the frame must be stored somewhere for the computer to be able to read the frame, such as in a *computer readable medium*. The fact would be readily evident to one of ordinary skill in the computer and communication arts.

Additionally, Applicants submit that Figure 5 and the corresponding description discloses

an apparatus for generating, and subsequently storing, the computer readable data compartment aggregation packet frames, which includes a MAC layer Processor and a PHY layer Processor. Applicants also submit that one of ordinary skill in the computer and communication arts would readily understand that such an apparatus, including processors, uses a memory, e.g., computer readable medium, to store processed data. Thus, Applicants submit that one of such ordinary skill in the computer and communication arts would reasonably conclude that Applicants had possession of a *computer readable medium encoded with a computer readable data compartment aggregation packet frame*, and that Applicants both inherently and implicitly disclose such a computer readable medium, at least in Figure 5 and the corresponding description in the specification.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claim 29 under 35 U.S.C. § 112, first paragraph, be withdrawn.

The 35 U.S.C. § 101 Rejection

Claims 25-29 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. With regard to independent method claims 25 and 27, the Final Official Action asserts that independent method claims 25 and 27 are neither tied to a particular machine, nor transform the underlying subject matter. Applicants respectfully submit that amended independent method claims 25 and 27 explicitly recite methods that fall squarely within the “process” statutory category of invention, and are at least are tied to a particular machine.

More specifically, Applicants submit that the various features of the claimed methods include explicit references to various components, including a processor and a buffer.

Applicants also submit that the various components impose a meaningful limit on the scope of

independent claims 25 and 27, since they require that fundamental features of claims 25 and 27 are implemented using a particular machine or apparatus. Additionally, the various components are directly integrated into the overall methods, and represent substantially more than insignificant extra-solution activity. Applicants submit that the statutory nature of claims 25 and 27, based upon the processes being tied to a particular machine or apparatus, is completely consistent with the “New Interim Patent Subject Matter Eligibility Examination Instructions” issued by the USPTO’s Acting Deputy Commissioner for Patent Examination Policy, dated August 24, 2009. Accordingly, Applicants respectfully request that the rejection of claims 25 and 27 under 35 U.S.C. § 101 be withdrawn.

With regard to independent apparatus claims 26 and 28, the Final Official Action asserts that the claims do not clearly recite any physical structure that could not be implemented by software. Contrary to this assertion, Applicants respectfully submit that amended independent apparatus claims 26 and 28 explicitly recite a “composing apparatus” and a “decomposing apparatus”, respectively, together with specific apparatus components, that fall squarely within the “machine” statutory category of invention under 35 U.S.C. § 101, and are not directed to software *per se*. To further emphasize this point, amended independent claim 26 explicitly recites a MAC layer processor, which certainly cannot be construed as software. Additionally, amended independent claim 28 explicitly recites both a processor and a buffer, which also certainly cannot be construed as software. Thus, for at least the reasons discussed above, Applicants respectfully submit that apparatus claims 26 and 28 are directed to the “machine” category of statutory subject matter. Accordingly, Applicants respectfully request that the rejection of claims 26 and 28 under 35 U.S.C. § 101 be withdrawn.

With regard to independent computer readable medium claim 29, the Final Official Action asserts that the claim was sufficiently broad to include a signal, which is generally viewed by the USPTO as being drawn to non-statutory subject matter. Amended independent claim 29 explicitly recites a non-transitory computer readable medium, which is unquestionably directed to statutory subject matter, and is consistent with current USPTO policy. Accordingly, Applicants respectfully request that the rejection of claims 29 under 35 U.S.C. § 101 be withdrawn.

The 35 U.S.C. § 103(a) Rejection

Claims 25-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over HO in view of YONGE. With regard to independent method claim 25, the Final Official Action acknowledges that HO fails to disclose at least the features reciting that the compartment recipient addresses of the first data compartment and the second data compartment represent addresses of the first station and the second station, respectively. However, the Final Official Action asserts that YONGE discloses these features.

Contrary to this assertion, Applicants respectfully submit that YONGE fails to disclose distinct first and second compartments, each including a compartment identifier that contains a specific compartment recipient address for the first and second stations, respectively. In distinct contrast, YONGE's destination address (108) in frame header (84) is a proxy for the multicast destination addresses (272), for which YONGE's frame data (186) is destined. In other words, YONGE's multicast destination addresses (272) are not individual compartment recipient addresses, each being included in a specific data compartment, as explicitly recited in claim 25.

In addition to the reasons discussed above, claim 25 has been amended to explicitly recite that the first generated data compartment includes a first service data, and that the second generated data compartment includes a second service data. Applicants submit that HO also fails to disclose two different types of service data, each being associated with a distinct data compartment.

For at least the reasons discussed above, Applicants respectfully submit that amended independent method claim 25 would not have been obvious to one of ordinary skill in the art at the time of the invention, in view of HO and YONGE. Additionally, Applicants submit that independent apparatus claim 26 and amended independent computer readable medium claim 29 are also patentable for reasons similar to the reasons discussed above regarding amended claim 25, since amended claims 26 and 29 recite features similar to the features recited in amended claim 25. Accordingly, Applicants respectfully request that the rejection of claims 25, 26, and 29 under 35 U.S.C. § 103(a) as being unpatentable over HO in view of YONGE be withdrawn.

With regard to independent method claim 27, the Final Official Action acknowledges that HO fails to disclose at least the features reciting that the recipient address is a non-unicast recipient address which is associated with a plurality of stations including a station with the decomposing apparatus. However, the Final Official Action asserts that YONGE discloses this feature.

Contrary to this assertion, Applicants respectfully submit that YONGE fails to disclose the processing of the data compartments having a compartment recipient address that represents the address of the station in the specific manner recited in amended independent claim 27. More specifically, amended claim 27 explicitly recites *comparing, by a comparator, each compartment recipient address representing the address of a station to the address of the station with the*

decomposing apparatus. Amended claim 27 also explicitly recites the storing the separated plurality of data compartments in a buffer. Furthermore, amended claim 27 further explicitly recites processing all of the separated data compartments, by a processor, including a data compartment with a compartment identifier provided with the compartment recipient address that matches the address of the station with the decomposing apparatus, and dropping the separated data compartments having a compartment recipient address that do not match the address of the station with the decomposing apparatus.

Applicants submit that neither HO, YONGE, nor the combination thereof, disclose or render obvious the specific combination of features recited in amended independent method claim 27, including the features discussed above. Applicants also submit that corresponding amended independent apparatus claim 28 is patentable for reasons similar to the reasons discussed above regarding amended method claim 27, since amended claim 28 recites features similar to the features recited in claim 27. Accordingly, Applicants respectfully request that the rejection of claims 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over HO in view of YONGE be withdrawn.

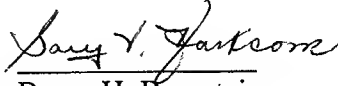
SUMMARY

From the amendments, arguments, and remarks provided above, Applicants submit that all of the pending claims in the present application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Final Official Action is respectfully requested and an indication of allowance of claims 25-29 is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made by this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Wei Lih LIM et al.


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